

OVERSIGHT INSPECTION PROCEDURES MANUAL

WORKING DOCUMENT

January 16, 2003

Table of Contents

Chapter 1 – Oversight Inspection Procedures Manual	3
Chapter 2 – Purpose of Oversight Inspections	5

Chapter 3 – General Policies	9
Chapter 4 – Performing the Oversight Inspection	12
Chapter 5 – Oversight Inspection Documentation and Follow-up	17
Chapter 6 – Oversight Package Routing Procedures	18
Appendices	20

Chapter 1

Oversight Inspection Procedures Manual

About this manual

The procedures in the *Oversight Inspection Procedures Manual* (OIPM) (revised January 15, 2003) include recommendations by the Pesticide Regulatory Affairs Committee, Oversight Inspection Subcommittee (PRAC). This version supersedes all previous versions. The OIPM is a Working Document; it is expected that some future changes will be made based on comments received from the PRAC and Enforcement Branch staff.

History

The Compliance Assessment Work Group (CWG) initially established the OIPM. However, the CWG was reassigned to address a broader scope of issues pertaining to county regulatory programs and was rechartered as the County Regulatory Oversight Workgroup (CROW). If you have any questions regarding these procedures, forward them to your Regional Office Supervisor or the regional CROW representative. The CROW will resolve the issues and distribute the information.

Comments or suggestions

Please forward any comments or suggested changes to Mr. Jim Walsh, Program Specialist, at (805) 654-4894, fax at (805) 654-4890, or <jwalsh@cdpr.ca.gov>.

Background

The Enforcement Branch's Compliance Assessment Project (1997- 2001) provided valuable information about industry compliance with pesticide laws and regulations. In completing this effort, CWG developed standardized procedures to minimize individual bias. This was crucial to assure validity of the data and accurate conclusions concerning industry compliance with laws and regulations. As a continuation of this assessment, Department of Pesticide Regulation (DPR) managers requested that CWG develop an alternative method of assessing compliance that also addressed follow-up activities, enforcement actions, and county performance. It was determined that the best way to accomplish these objectives was to utilize the existing overview inspection process.

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Oversight Inspection Procedures Manual, Continued

Objective	The objective of the OIPM is to provide a uniform procedure for performing oversight inspections. As with past overview inspections, oversight inspections will be a critical component of the county agricultural commissioner's (CAC's) Pesticide Enforcement Program evaluation.
Oversight inspections	<p>To standardize the overview process, the CWG developed the OIPM for oversight inspections. Enforcement Branch staff provided assistance and input to the CWG.</p> <p>Oversight inspections, formerly referred to as overview inspections, are an essential method used in measuring the effectiveness of a CAC's pesticide inspections. The oversight inspections will also be used to evaluate the level of industry compliance attained through the CAC's Pesticide Enforcement Programs.</p> <p>Oversight inspections will be performed in a uniform manner throughout the state. Consistent procedures and documentation will provide reliable data and increase the usefulness of the compliance information derived from these inspections.</p>
Definitions	<p>The following terms will be used throughout this manual to designate the personnel involved in carrying out these procedures:</p> <p>Specialist – the Enforcement Branch person performing the oversight inspection. In most cases this will be a Senior Pesticide Use Specialist (SPUS); however, in some circumstances the person could be a Pesticide Use Specialist, a Supervising Pesticide Use Specialist, or a Program Specialist.</p> <p>Liaison Senior – the SPUS assigned the liaison and evaluation responsibilities for the county in which the oversight inspection is performed. The liaison senior is responsible for all oversight follow-up activities and for all issue resolution activities with the CAC. In many cases, the liaison senior will perform the oversight inspection as well as all necessary follow-up activities.</p> <p>Biologist – the CAC staff person conducting the Pesticide Use Enforcement Inspection.</p>

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Chapter 2

Purpose of Oversight Inspections

Background Completed oversight inspections will form a subset of data in the County Pesticide Compliance and Assessment database. Inspection forms completed by specialists will be used to compile industry compliance information in each county and throughout the state. Oversight inspection data will be used to assess industry compliance with pesticide laws and to compare with data obtained from other CAC inspections.

What oversight inspections are not Oversight inspections are not intended or designed to serve as training for county personnel. Although the oversight process will provide a training experience for the biologist, the lessons learned should come from observations or information obtained after the biologist provides the specialist with the yellow copy of their inspection. At that time inspections may be compared and discrepancies discussed between the specialist and the biologist. Also the oversight inspection program will identify issues that should be addressed through training.

Goal of oversight inspections The goal of oversight inspections is to insure CAC pesticide enforcement staff are conducting inspections correctly and are properly enforcing pesticide laws and regulations. The oversight inspection procedure will also assist in identifying the individual CAC biologists knowledge of inspection criteria and how well they perform inspections in accordance with policies and procedures. DPR management staff and CROW will analyze the information collected through oversight inspections for the purpose of improving CAC inspection programs.

DPR personnel roles and responsibilities The following lists the responsibilities of respective DPR personnel:

1. **Specialists** – SPUS and other Enforcement Branch staff performing oversight inspections will:
 - Perform the oversight inspections according to the procedures in the OIPM.
 - Provide the original oversight inspection documentation to the liaison senior in a timely manner.
 - Provide a copy of the oversight inspection documentation to the regional CROW representative in a timely manner.

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Purpose of Oversight Inspections, Continued

**DPR personnel
roles and
responsibilities
(continued)**

2. Liaison Seniors C Senior Pesticide Use Specialists assigned to the county will:

- Review each oversight inspection package and determine if any county follow-up is needed.
 - Collect any required follow-up information and documentation from the county.
- Document issues identified on oversight inspections and the County Oversight Summary (COS) and perform follow-up discussions with CAC management staff to review oversight inspection findings and resolve inspection issues.
 - Issues and resolutions will be documented on the Issue Review.
 - Issues that are not resolved will be forwarded to the regional supervisor and the regional CROW representative.
- Evaluate inspection-training needs in the county.
- Assist CAC staff in developing plans to improve low compliance areas or other inspection problems identified.
- Use oversight information in developing county negotiated work plans.
- Review oversight inspections, Issue Reviews, and summary report findings.
- Determine what plans have been developed and what corrective actions have been implemented by the CAC.
- Include the oversight inspection findings, documented issues/resolutions and corrective actions taken in the effectiveness evaluation letters. Also include any unresolved or uncorrected issues in the effectiveness evaluation letters.

3. CROW Representatives - CROW representatives will:

- Provide training and support to Enforcement Branch staff performing oversight inspections, answer questions, and modify procedures as necessary.
- Use oversight inspection data to determine compliance levels in counties and provide these findings to the counties, Branch managers, regional supervisors, and liaison seniors.
- Assist liaison seniors in developing plans to improve low compliance areas or other inspection problems identified.

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Purpose of Oversight Inspections, Continued

DPR personnel roles and responsibilities (continued)

4. **Regional Supervisors** C Regional supervisors will:

- Meet regularly with liaison seniors to discuss oversight findings and conduct follow-up discussions between the liaison senior and the CAC and what plans the CAC has implemented to improve oversight problems and low compliance areas.
- Meet with the liaison senior and the CAC to address unresolved issues when a CAC is not following through on compliance improvement recommendations.
- Keep CROW and Branch managers informed of oversight findings, liaison senior/CAC discussions, plans developed, corrective actions implemented by the CAC, and resolved and unresolved issues.

5. **Enforcement Branch Managers** C the Branch Chief and Agriculture Program Supervisor will:

- Examine Issue Review findings and provide support as necessary to regional supervisors to implement CAC corrective actions and resolve identified issues. Branch managers will address issues unresolved between the regional offices and respective CACs.

The Specialist's primary tasks

It is critical that specialists are knowledgeable of pesticide laws, policies, and inspection procedures, and understand the purpose of oversight inspections.

Specialists have two primary tasks when performing oversight inspections:

1. To inspect the industry operation according to the Inspection Procedures Manual and the OIPM and determine compliance with all relevant pesticide laws and regulations. Oversight inspections should be conducted independently (although simultaneously) from the county inspection. The specialist's inspection will be conducted via the county biologist. The biologist will address all interactions or issues with the inspected person (e.g., questions about the operation). Specialists will conduct their behavior in a manner that demonstrates to the inspected persons that the biologist is in charge of the inspection. The specialist's inspection should thoroughly describe each violation, as well as all other pertinent information regarding the operation.

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Purpose of Oversight Inspections, Continued

**The specialist's
primary tasks**
(continued)

2. To evaluate the biologist's performance. The scope of the evaluation includes preparation, targeting strategies, and follow-up procedures as well as general knowledge and abilities exhibited during the inspection itself. It may also include an evaluation of the resources, direction, and training received by the biologist. Use the COS to document your evaluation of the county inspection and the CAC inspection program. Complete a COS form for each oversight inspection performed.
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Chapter 3

General Policies

Liaison senior's introductory meeting with the CAC The liaison senior will arrange a meeting with the CAC and Deputy CAC responsible for the pesticide program within each county to explain the program before oversight inspections are conducted. The liaison senior should meet with the CAC and describe the basic procedures, imminent hazard and follow-up procedures, and solicit feedback from the CAC on implementing the program. The liaison senior should use the attached initial meeting agenda and provide the CAC with a copy of the OIPM at least one week prior to the meeting.

Oversight inspection preparation The specialist should have the Enforcement Manual, the Inspection Procedures Manual, the OIPM, and inspection forms, including supplemental forms, available on site when performing oversight inspections. The liaison senior should also have the OIPM available when completing oversight inspection packages. New oversight inspection procedures, including imminent hazard procedures, should be discussed with the biologist prior to performing oversight inspections.

Make sure that you write “DPR oversight inspection” at the top of your inspection form and “CAC oversight inspection” on all copies of the county inspection form.

Simultaneous or side -by-side inspections An oversight inspection is an independent record of observations that documents the specialist's evaluation of industry compliance. Although, the biologist takes the lead in conducting the inspection, the specialist will accompany the biologist, note the observations the biologist makes, and listen to both the questions the biologist asks handlers, fieldworkers, and supervisors and their responses. The specialist will not ask questions or offer information or direction to either the biologist or industry personnel. The specialist will document compliance on the inspection form to the extent possible while observing the biologist. When the biologist has completed the inspection, he/she will provide the specialist with the yellow copy of the inspection form. If the specialist needs to make additional observations or have additional questions answered by the inspected persons, the specialist will, at this time, ask the biologist in private to perform those observations/interviews. Whenever necessary, the specialist will gather additional information through the biologist.

General Policies, Continued

Simultaneous or side -by-side inspections (continued)

Specialists must be careful not to bias the county inspection by providing advice or taking the lead. If, during the inspection, the biologist asks you for advice, you should make a note for later clarification. Allow the biologist to make his/her own decisions during the inspection. Specialists may respond to questions away from the inspection site, after the inspection is completed. If requested by the biologist, the specialist may provide the biologist with a copy of the specialist's inspection after they have left the inspection site. If requested, a copy of the oversight package may be provided to the CAC after the package has been reviewed and approved by the regional supervisor.

Interaction with industry

The county biologist will take the lead in questioning the persons being inspected. If asked why you are there, the biologist (or if necessary you) should respond that you are evaluating the county inspection program and observing industry compliance with pesticide laws and regulations. Throughout the inspection, specialists should limit interaction with the persons being inspected as much as possible. If specialists receive comments or suggestions from industry regarding an aspect of pesticide regulation, document it and forward the information appropriately. If you observe unique methods of compliance that could be used in outreach programs, document your observations and forward them to your regional CROW representative.

Response to imminent hazard

If the specialist observes a situation that creates an imminent hazard to workers, the public, or the environment, the specialist should:

- Encourage the biologist to take appropriate action to stop the action creating the hazard.
 - Temporarily halt the activity and immediately contact the CAC or responsible CAC representative if the biologist does not stop the action.
 - Explain the situation to the CAC or their representative and allow them to handle the matter.
 - Document the incident and the CAC/county response.
 - Inform your Supervisor as soon as possible.
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General Policies, Continued

**Completing
the inspection**

After the biologist has completed, signed, and provided you with the yellow copy of the county inspection and you have completed and signed your oversight inspection, have the biologist sign your report in the “Inspection Acknowledged By” space.

County Oversight Summary (PR-ENF-078) and Issue Review (PR-ENF-079)

In addition to the county inspection form and state oversight inspection form, the specialist will document their evaluation of the county inspection on the COS. The COS and instructions can be found in the appendices. Any discrepancies between the two inspection forms or any issues recorded on the COS should be referred to the liaison senior. The liaison senior will document the discrepancies and issues on the Issue Review (see Appendix 5) and use the Issue Review to resolve the identified issues with the CAC.

Chapter 4

Performing the Oversight Inspection

About these procedures

The following procedures outline how to communicate and which information to document during the oversight inspection.

Role of the specialist

The role of a specialist performing an oversight inspection is to evaluate how the biologist is conducting inspections. Are they correctly enforcing pesticide laws and regulations? Is the biologist knowledgeable of inspection criteria? Are they conducting inspections in accordance with policies and procedures?

Keeping this in mind, the specialist conducting the oversight inspection only observes and documents industry compliance and the biologist's performance.

Prior to the inspection

Explain to the biologist the specialist's role in evaluating the county inspection program. The specialist will:

1. Ask various questions regarding how the biologist prepares for the inspection.
 2. Observe how the biologist conducts the inspection.
 3. Ask questions regarding what the biologist does with the inspection form after they are through.
 4. Explain how the specialist completes an inspection independently and how after both inspections are complete the specialist may request the biologist make additional observations or interviews.
 5. Discuss the procedure that will be used if an imminent hazard is encountered.
-

Initial observations

Compliance with personal protective equipment (PPE) and other requirements will be based on conditions observed when you first arrive at the site. If possible, the biologist should make observations from a distance before handlers or workers become aware of the inspection. If remote observations are not possible, the biologist must accurately survey the worksite upon arrival. Observe whether the biologist notes the specific type of PPE the pesticide handlers are wearing, the condition of the application equipment, the activities the handlers are performing, the application method, climatic conditions, surrounding crops, and sensitive sites.

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Performing the Oversight Inspection, Continued

Opening interview

The biologist should establish effective communication with the person being inspected. Observe whether the biologist introduces himself/herself, explaining they are with the CAC office and if appropriate, presents identification. Does the biologist explain that they are going to conduct an inspection? Does the biologist talk to any other persons involved in the activity at the work site? If so, does the biologist include them as part of the inspection? If asked why you are there, the biologist should respond that you are evaluating the county inspection program and observing industry compliance with pesticide laws and regulations. If the biologist does not respond appropriately, you should make the response.

Observations

When observing the inspection, specialists should determine if the biologist is following DPR policies and procedures and whether they are knowledgeable of the individual inspection criteria. Always refer to DPR's Enforcement Manual and OIPM in determining the biologist's performance. Observe whether or not the biologist refers to the OIPM or Enforcement Manual for clarification when necessary. Does the biologist use the correct inspection form? Is the biologist thorough (asking questions for clarification and determining compliance)? Does the biologist review all pesticide labels, including adjuvants, supplemental labels, Section 18s, and Special Local Need registrations? Does the biologist review the pesticide label(s) for:

- Precautionary Statements, specifically PPE to be worn?
 - Environmental Hazards in comparison to the conditions at the use site?
 - Agricultural Use Requirements for Restricted Entry Interval(s) requirements?
 - Directions for Use, specifically the crops, rates, dilutions, and application methods?
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Performing the Oversight Inspection, Continued

Violations and documentation

All violations must be documented correctly on the inspection form. When violations have occurred, observe whether the biologist marks a “NO” on the inspection report. The nature and circumstances of each violation should be clearly recorded in the **ARemarks@** section of the inspection report. Violations corrected during the inspection should still be documented as non-compliance with an explanation under **ARemarks@** that the item(s) was corrected at the time of inspection. Observe if the biologist discusses each non-compliance with the person inspected. Does the biologist provide them with information that will allow them to correct the violations? Does the biologist stop the operation when there is an imminent hazard? Does the biologist discuss that a follow-up inspection must be done to confirm compliance with non-compliance not corrected at the time of inspection?

Inspection form complete and signed

The biologist must use the correct inspection form and complete all boxes on the inspection report. Inspections must comply with all requirements for complete inspections on the Regulatory Activities Summary Report (i.e., Application and/or Mix/Load inspections require that an equipment inspection be completed, Field Worker Safety inspections require that the workers be in a treated field). Check to see that the specific type of PPE worn by the handler(s) and the specific type of spray equipment are noted on the inspection report. All heading/information boxes (when the information is available on-site), requirements and remarks should be completed prior to the biologist signing the inspection report. When necessary, heading/information boxes may be completed by the biologist after the inspection. Specialists should duplicate this information on the county yellow copy.

Oversight inspection notations

Before the biologist provides you with the yellow copy of the county inspection for review, you must make the following notations on both your inspection and the county inspection:

1. For all oversight inspections you must print **ADPR Oversight Inspection@** or **ACAC Oversight Inspection@** at the top of all copies of the county and state inspection forms, respectively. This is necessary to properly enter the inspection data and prevent the county inspection from being redundantly entered when they submit their inspections to DPR.
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Performing the Oversight Inspection, Continued

Oversight inspection notations (continued)

2. In order to standardize the data collected when using the Fumigation Use Monitoring Inspection, you will need to print **APCB@** or **AGrower@** at the top of both the county and the state inspection forms.
 3. In order to standardize data collected when using the Field Worker Safety Inspection, you will need to print **AFLC@** (farm labor contractor) or **AGrower@** at the top of both the county and the state inspection forms.
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Completing the oversight inspections

Follow the steps listed below to complete the inspection:

1. Write **ADPR oversight inspection@** at the top of your inspection. Write **ACAC oversight inspection@** at the top of the county inspection. Be sure that it is written on both the white and yellow copies.
 2. Observe the biologist perform the inspection and complete your inspection.
 3. Obtain the yellow copy of the county inspection form after both the biologist and the inspected person have signed it. If some criteria or header information is blank because the biologist needs to verify the information at the office or at another site, complete the form based on information provided to you by the biologist.
 4. When there are criteria items the specialist needs to verify on-site after the biologist has completed the county inspection, the specialist should advise the biologist of the observations and/or questions that need clarification and request the biologist make the observations or ask the questions while the specialist observes. Complete your inspection. No changes can be made to the county inspection as a result of the specialist's advice.
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Responsible person contacted

When an inspection documents any non-compliance, the biologist must follow-up by contacting the responsible person to explain non-compliance found and provide them with a copy of the inspection. DPR recommends that the biologist also provide the responsible person with the outreach document, *Pesticide Safety: It's The Law* (see Appendix 9). This is the time the biologist should discuss the specific problems found and how to correct the non-compliance. It also allows the biologist an opportunity to explain that a follow-up inspection will be performed to confirm compliance or to perform a headquarters inspection when appropriate.

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Performing the Oversight Inspection, Continued

County oversight summary

Complete the COS form (see Appendix 3). The specialist will complete the pre-inspection and inspection portions of this form. The liaison senior will complete the post inspection portion of the form.

Issue review

The liaison senior will use the Issue Review form (see Appendix 5) to document any issue that requires discussion or negotiation between the CAC and DPR. Simple inspection follow-up activities performed by the county (e.g., follow-up inspections and enforcement actions that are appropriate) do not require documentation on this form. Issues that need to be discussed or resolved with the CAC should be documented succinctly on this form. All Issue Reviews will be forwarded to the regional office supervisor and the regional CROW representative. Similar issues that arise from several inspections can be addressed on one Issue Review; however, different issues that arise from one inspection will be addressed on separate Issue Reviews.

The Issue Review will be used to document:

- Discrepancies between the specialist and county inspections
- Trends or patterns of high non-compliance with pesticide laws or regulations
- Difficulties or delays in obtaining follow-up documentation or information
- Problems identified in the County Oversight Summary
- Any other issues or problems that arise from the Oversight Inspection Program (i.e., difficulty in scheduling oversight inspections, uncooperative staff, industry complaints, etc.)

Use of the Issue Review form is not limited to the Oversight Inspection Program. It may be used to document any issues addressed by the liaison senior.

Chapter 5

Oversight Inspection Documentation and Follow-up

Basic oversight inspection package

The oversight inspection package consists of the following documents:

1. U.S. Environmental Protection Agency (U.S. EPA) Activity Coversheet
2. County inspection form (and supplement form if used)
3. DPR inspection form (and supplement form if used)
4. County Oversight Summary
5. All follow-up inspections and enforcement documentation
6. Issue Review(s) when appropriate

When the oversight inspection is a Worker Protection Standard (WPS) Tier I inspection, you will also attach the county and DPR Employer Safety Headquarter inspections and the WPS Inspection Report Supplement form.

Oversight inspection follow-up procedures

Follow-up activities and documentation must be completed within 60 days of the initial inspection. The 60 day time frame is imposed to facilitate the processing of oversight inspections. It is not meant to establish a policy on CAC requirements. If the county has not completed the appropriate follow-up activities, document the circumstances and CAC response on an Issue Review and attach to the oversight inspection package. If possible, include the CAC's proposed follow-up/enforcement plans.

Liaison senior Issue Review documentation should be completed within 45 days of the initial inspection.

Chapter 6

Oversight Package Routing Procedures

Introduction	The following routing procedures are to be followed for the completed oversight package.
Specialist responsibilities	<ul style="list-style-type: none">• The specialist performing the oversight inspection will complete a U.S. EPA Activity Coversheet (PR-ENF-195E) and attach it to the completed oversight package. This oversight package will be submitted to the liaison senior.• The specialist will provide a copy of the oversight package to the CROW representative in a file accessible to the regional office staff.
Liaison senior responsibilities	<ul style="list-style-type: none">• The liaison senior will review the inspection oversight package received from the specialist and determine if a follow-up is required.• If no follow-up is required, the liaison senior will provide the original package to the regional office supervisor and a copy to the regional CROW representative.• If the follow-up requires an Issue Review, complete the follow-up within 45 days.<ul style="list-style-type: none">• Do not turn in the package until the follow-up is completed.• Documentation of unresolved issues completes the liaison senior's follow-up.• If a follow-up inspection or enforcement action is required, do not turn in the package until the follow-up is completed and attached to the package.<ul style="list-style-type: none">• If the CAC does not complete the follow-up within 60 days, document the circumstances on an Issue Review and submit it with the file.• When follow-ups are completed, the liaison senior will provide the original package to the regional office supervisor and a copy to the regional CROW representative.
Regional office supervisor responsibilities	<ul style="list-style-type: none">• Review and approve the oversight inspection package according to standard procedures.• Address any unresolved issues identified.• Complete the U.S. EPA Activity coversheet.• Submit the package to the headquarter's U.S. EPA Coordinator according to standard procedures and forward a copy to the CROW leader.

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Oversight Package Routing Procedures, Continued

**Regional
CROW
representative's
responsibilities**

- Receive oversight inspection packages from the specialists and liaison seniors and maintain a file of the oversight inspections made accessible to all regional office staff.
 - Track oversight packages and provide the CROW and regional office supervisors with monthly reports.
 - Identify significant issues to the CROW.
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**Branch U.S.
EPA
coordinator
responsibilities**

- Process and route oversight packages according to current DPR/U.S. EPA cooperative agreement procedures.
 - Provide copies of the county and DPR inspections to Information Technology Branch data entry personnel for the County Pesticide Compliance and Assessment database.
 - Send quarterly status report to the CROW leader.
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Appendices

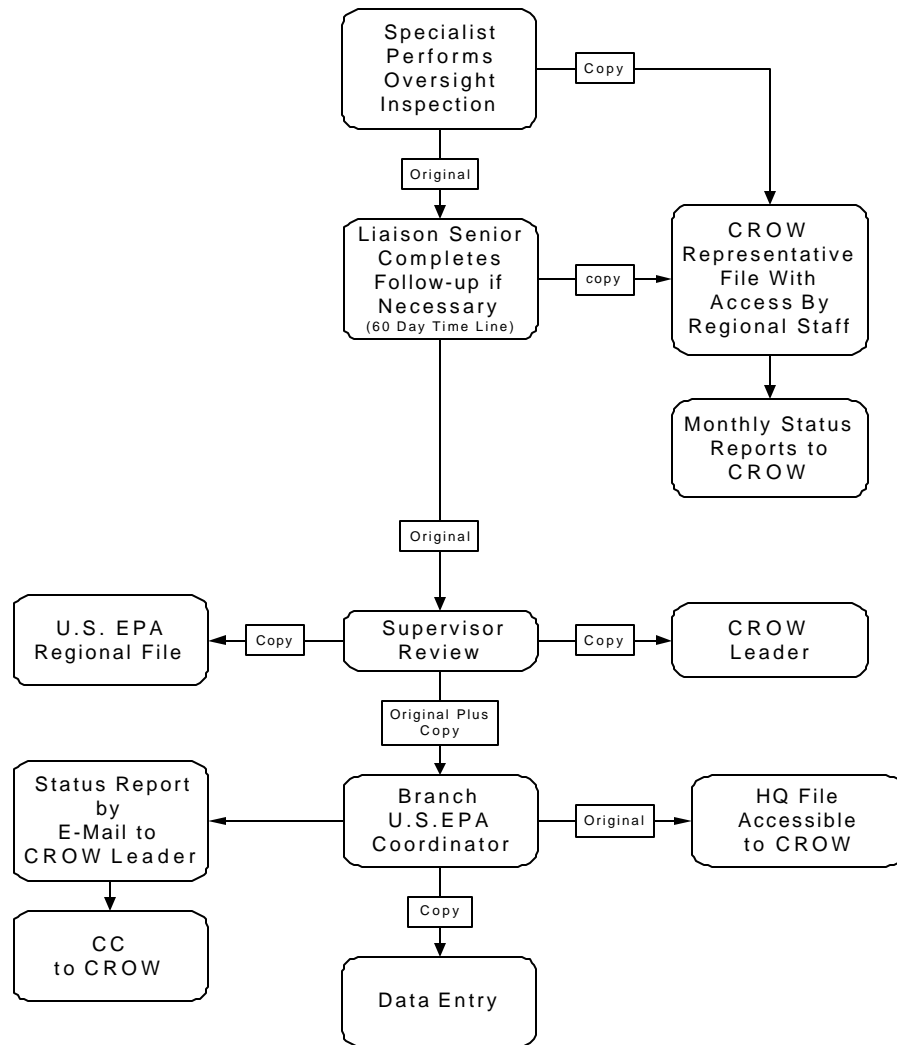
Appendix	Topic
1	Initial County Agricultural Commissioner Meeting Agenda
2	Oversight Package Routing Chart
3	County Oversight Summary
4	County Oversight Summary Instructions
5	Issue Review
6	Issue Review Supplement
7	Abridged Oversight Inspection Procedures
8	Fiscal Year 2002/03 Oversight Project Schedule
9	County Compliance Activity Summary
10	Pesticide Safety: It's the Law

INITIAL COUNTY AGRICULTURAL COMMISSIONER MEETING AGENDA

Compliance Assessment Oversight Inspection Program

- 1) **Purpose of oversight inspection program** – To re-measure industry compliance with Worker Protection Standard requirements and provide inspection program performance measurement information that the CAC can use in developing negotiated work plans and setting local program priorities. Provide CAC with a copy of the initial CAC meeting agenda and the Oversight Inspection Procedures Manual. In focus counties, also provide the CAC with the Compliance Assessment Project Schedule.
- 2) In focus counties, an informal summary **report** on the county oversight inspections will be provided to the CAC at the end of the year. The report is a public document but will not be published.
- 3) **Communication with biologists and CAC management** – Discuss how the oversight inspections will be scheduled.
 - Will the CAC provide a schedule of biologist names and when and where they normally conduct inspections? If not, determine what the scheduling process will be. The program must involve all county biologists that perform inspections.
 - Will the specialists work directly with the county biologists for scheduling purposes?
 - The liaison senior will conduct all follow-up and issue negotiations with the CAC.
- 4) **Oversight inspection protocol:**
 - The specialist will remain unobtrusive while the county performs the inspection.
 - The specialist will obtain the yellow copy of the county inspection form after the biologist and the inspected person have signed it. This includes WPS Tier 1 questions and observations.
 - The specialist will conduct any additional inspection activity through the biologist after the county biologist has completed the inspection.
 - The liaison senior will resolve all discrepancies between the specialist's and the biologist's inspections with the CAC and document the discussion on an Issue Review form.
- 5) If the specialist observes activities that create an **imminent hazard**, the specialist will encourage the biologist to issue a Stop Work Order or Cease and Desist. If the biologist does not wish to do so, the specialist will temporarily halt the activity and immediately contact the CAC. The CAC will decide how the situation will be handled. The specialist will document the incident and inform the regional supervisor.
- 6) **Solicit suggestions and comments** from the CAC on how to make the program work efficiently.
- 7) Respond to any **questions** received from the CAC. Document any questions that are not resolved at the meeting and refer to the CROW.

OVERSIGHT PACKAGE ROUTING CHART



SPECIALIST	REGION	OVERSIGHT NUMBER
COUNTY	COUNTY BIOLOGIST	INSPECTION TYPE

PREINSPECTION					
1.	PUE LICENSE /YEARS EXPERIENCE #_____			5.	INSPECTION PROCEDURES MANUAL IN VEHICLE
2.	ENF LETTER ACCESS			6.	TARGETING STRATEGY USED (DESCRIBE IN REMARKS)
3.	LAWS & REGULATIONS IN VEHICLE			7.	NOI REVIEW
4.	INSPECTION FORMS IN VEHICLE			8.	OTHER

9.	OPENING INTERVIEW			15.	INSPECTION FORM COMPLETED	
10.	INITIAL OBSERVATIONS DOCUMENTED			16.	FOLLOW-UP PROCEDURES COMPLETED	
11.	LABELS REVIEWED			17.	VIOLATIONS EXPLAINED	
12.	VIOLATIONS DOCUMENTED			18.	EXIT INTERVIEW	
13.	SUPERVISOR/OWNER INTERVIEWED			19.	BIOLOGIST KNOWLEDGEABLE OF LAWS/REGS/ POLICIES	
14.	HANDLERS/WORKERS INTERVIEWED			20.	OTHER	

LIAISON SENIOR: _____

21.	HISTORY REVIEWED			25.	FOLLOW-UP INSPECTION PERFORMED	
22.	DECISION REPORT REQUIRED			26.	ENF. ACTION REQUIRED (DESCRIBE IN REMARKS)	
23.	DECISION REPORT FILED			27.	ENF. ACTION TAKEN (DESCRIBE IN REMARKS)	
24.	RESPONSIBLE PARTY NOTIFIED			28.	SENIOR/CAC DISCUSSION	

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COUNTY OVERSIGHT SUMMARY INSTRUCTIONS

INTRODUCTION

The attached County Oversight Summary (COS) should be used when conducting oversight inspections. Copies of the summary should be attached to your oversight inspection package and be filed and forwarded with your oversight inspections according to standard procedures.

PURPOSE

The County Oversight Summary is intended to provide the Department of Pesticide Regulation (DPR) with information on CAC staff performance relative to conducting pesticide inspections. It also provides general information on CAC inspection programs. Information derived from the COS should be used for CAC evaluations, for identifying CAC training needs, and for evaluating inspection forms and inspection procedures. Comments or problems identified with the COS or procedures should be forwarded to your regional County Regulatory Oversight Workgroup member.

PREINSPECTION

The specialist should complete the criteria items on the pre-inspection and the inspection portions of the summary.

1. Pesticide Use Enforcement License

Ask, or if you know, record this information on the summary. Only a biologist, who either holds a Pesticide Regulation License or is qualified to take the license exam and is working under the supervision of a biologist that holds the license, can perform inspections. Document the number of years the biologist has worked in pesticide use enforcement (PUE) in the space provided.

2. Enforcement Letter Access

Ask the biologist if they receive copies of or have access to Enforcement Letters. Review the Enforcement letter file. Is it current?

3. Laws and Regulations in Vehicle

Does the biologist have the Enforcement Manual available for reference when performing inspections? Is the manual current?

4. Inspection Forms in Vehicle

Does the biologist have each kind of inspection form available? Are all forms that are likely to be needed in the vehicle? Biologists should always have an adequate supply of the supplemental form. They can be essential when several violations are found during one inspection.

5. Inspection Procedures Manual in Vehicle

Does the biologist carry the Inspection Procedures Manual? Does the biologist have access to the Manual of Procedural Guidance? Have they been adequately trained?

6. Targeting Strategy Used

Discuss the biologist's strategy for finding pesticide operations. Does the county have an inspection strategy documented in the Negotiated Work Plan? Is this strategy communicated to the biologists? Is this strategy implemented by the biologist? How does the biologist determine who will be inspected? Do they review information on growers and businesses? Are they knowledgeable regarding crop and use patterns? Field worker activity? Does the biologist follow a predetermined route when on surveillance? Does it appear he is taking you to specific operators he knows are most likely in compliance? Does he drive by applications that were not on a Notice of Intent (NOI)? Is the strategy representative of operations being conducted in the county? Does the county frequently inspect some operations while ignoring others? Do you observe any patterns of "padding" inspections, such as inspecting several crews from one operation and documenting it as more than one inspection?

7. NOI Review

Does the biologist check current NOIs before leaving the office? Often, someone other than the biologist performs the NOI review. Ask the biologist how permits are checked to assure sites and pesticides are listed, and maps are accurate.

8. Other

Use this space for any criterion you determine is relevant and is not addressed above.

INSPECTION

9. Opening Interview

The biologist should make it clear that a pesticide enforcement inspection is being conducted. Did the biologist identify himself and establish effective communication with the person being inspected?

10. Initial Observations Documented

Does the biologist accurately survey the worksite upon arrival? Compliance with personal protective equipment (PPE) and other requirements should be based on conditions observed when you arrive at the site. If possible, make observations from a distance or before the handlers or workers see you.

11. Labels Reviewed

Does the biologist read the labels (including supplemental, Special Local Need, Section 18) on site and correctly apply PPE, site, rate, posting and other requirements and prohibitions to the inspected activity?

12. Violations Documented

Does the biologist document all violations on the inspection form? Violations corrected during the inspection should be documented. The nature and circumstances of a violation should be clearly recorded in the “Remarks” section.

13. Supervisor/Owner Interviewed

Does the biologist interview the person in charge of the pesticide use or field work activity? Are the appropriate questions asked?

- Training program
- PPE availability, use, maintenance
- Notification procedures
- Rates, equipment
- Employee refusals

14. Handlers/Workers Interviewed

Does the biologist question handlers/workers appropriately?

- Training and knowledge of pesticide safety
- Knowledge of required posting and notification requirements
- Knowledge of medical information
- PPE maintenance
- Past exposure incidents

15. Inspection Form Completed

Is all required information included in the header/information sections of the inspection form? Is the form complete? All available information should be included before the inspection form is signed. Some header information may be completed at the office when appropriate. Are violations fully described in the “Remarks” section??

16. Follow-up Procedures Completed

If follow-up is required, is it documented on the inspection form? Is the “Violations must be corrected by” space filled out appropriately? Most violations should be corrected before the activity is allowed to proceed or before the next activity is allowed to take place.

17. Violations Explained

Does the biologist explain violations to the handlers/workers and persons responsible for the activity? Do they understand the nature and circumstances of the violation? Does the biologist provide them with information that will allow them to correct the violations?

18. Exit Interview

Does the biologist inform the people being inspected when the inspection is finished? Does the biologist have the inspected person sign the inspection form? Is a copy of the inspection report provided to the inspected person?

19. Biologist Knowledgeable of Laws/Regulations/Policies

The biologist should have a good working knowledge of the laws and regulations that are being evaluated during the inspection. If the biologist is not sure of the requirements of a particular

law or regulation that is being evaluated, is the biologist able to use the Enforcement Manual, the Manual of Procedural Guidance for Pesticide Enforcement Personnel, or other documents to clarify the requirements efficiently?

20. Other

Use this space for any criterion you determine is relevant and that is not addressed above.

FOLLOW-UP REQUIRED

The specialist should check this box if any violations were found or if any issues were identified in the COS.

POSTINSPECTION

If any violations were found or if any issues were identified in the COS, the liaison senior should complete the criteria items on the post inspection portion of the summary.

21. History Reviewed

When a non-compliance is noted on an inspection, the biologist should go to the office and review the grower/business file to see what the violation history is on that grower/business. The history of the grower/business determines the need for a decision report and is a factor in determining the appropriate enforcement action the county should take.

22. Decision Report Required

Does the biologist correctly determine if a decision report is required? Is the content of the decision report appropriate?

23. Decision Report Filed

Is the decision report appropriately filed? Decision reports should be available as part of the history review.

24. Responsible Person Notified

The responsible person should be notified when a noncompliance/violation is found during an inspection. If the responsible person or management representative is not available at the site when an inspection is conducted, the inspection must be delivered to them. The method of delivery may include mail, fax or hand delivery. The nature and circumstance of the violation and required remedial action should be clearly explained to the responsible party. The Department is recommending CACs provide the outreach flyer, "Pesticide Safety: It's the Law" (see Appendix 10), to the responsible person when violations are found during an inspection. Note in remarks if the biologist provided the flyer or if the county has another outreach tool that targets and provides violators with information on their legal liabilities.

25. Follow-up Inspection Performed

After an inspection is completed, a noncompliance is noted, and the "Follow-up" box is checked during an inspection. Did the biologist conduct the "Follow-up" inspection to see if all violations have been corrected?

26. Enforcement Action Required

If a violation was documented on the inspection, do the Enforcement Guidelines indicate that an enforcement action should be taken?

27. Enforcement Action Taken

Was appropriate enforcement action taken against violations found during the inspection?

28. Liaison Senior/CAC Discussion

When there are discrepancies between the specialist's inspection and the county's inspection, the specialist should provide a copy of both inspection forms to the county's liaison senior. The county liaison senior should always discuss these problems with the CAC or deputy to inform him/her of the issues involved. At this time, the liaison senior can discuss with the county any additional oversight inspections or training that might help the county. This discussion is documented on the Issue Review. The liaison senior should try to resolve any discrepancies found during the oversight inspection. The regional office supervisor and/or DPR management will address unresolved issues. Did this discussion occur? Were issues resolved and documented?

Date: ____/____/____

INSPECTING SPECIALIST	REGION	TRACKING NUMBER
LIAISON SENIOR	COUNTY	COUNTY CONTACT

ISSUE: _____

DPR POSITION: _____

CAC POSITION: _____

RESOLUTION: _____

FOLLOW-UP NEEDED: _____

INSPECTING SPECIALIST	REGION	TRACKING NUMBER
LIAISON SENIOR	COUNTY	COUNTY CONTACT

ABRIDGED OVERSIGHT INSPECTION PROCEDURES

Revised January 16, 2003

Conduct initial CAC meeting

SPECIALIST

1. Specialist/biologist pre-inspection conference – explain procedures (specialist has completely passive role, county biologist performs the inspection).
2. Complete part 1 of COS.
3. Observe county inspection; perform your inspection to extent possible.
4. Mark inspections “DPR Oversight Inspection” and “CAC Oversight Inspection” mark field fumigation inspection forms “PCB” or “Grower” mark field worker safety inspections “FLC” or “Grower.”
5. Obtain yellow copy of completed county inspection signed by biologist and industry person.
6. If necessary, complete your inspection by working through the biologist. Do not interact with the inspected person.
7. If discrepancies exist, document for the liaison to resolve with the CAC.
8. If the biologist has left blank spaces that he/she will complete at the office (i.e. NOI submitted), fill in the information on the yellow copy upon verification of compliance status by the biologist.
9. Complete part 2 of COS; explain all “No” items.

FOR FOCUS COUNTIES ONLY FIELD WORKER SAFETY INSPECTIONS

- Determine compliance with application specific information display requirement
- For grower inspections, document in requirements section
- For farm labor contractors, document in “Remarks” (also document violations on separate inspection or on a violation notice)

10. Provide package to liaison senior
 - U.S. Environmental Protection Agency activity coversheet
 - your inspection
 - county inspection
 - COS

LIAISON SENIOR

11. Review package
12. Complete part 3 of COS
13. Identify and attempt to resolve all problems using Issue Review document (45days)
14. Collect all county follow-up documentation (60 days)
15. Provide complete package with issue review(s) to regional supervisor

IMMINENT HAZARD PROCEDURE

- a. Encourage biologist to halt industry activity and/or issue a Cease and Desist order.
- b. If biologist will not halt activity, you should informally halt activity temporarily
- c. Specialist and biologist consult with the CAC via phone from a discrete distance from inspected persons.
- d. Abide by the CAC decision.
- e. Provide detailed documentation of the incident on an inspection supplemental form.

**FY 2002/2003
OVERSIGHT PROJECT SCHEDULE**

WORKING DOCUMENT

January 16, 2003

FISCAL YEAR 2002/03
WORKER PROTECTION STANDARD COMPLIANCE ASSESSMENT
PROJECT SCHEDULE

About this Project Schedule

The procedures in the Oversight Inspection Procedures Manual (OIPM) (revised January 15, 2003) include recommendations by the Pesticide Regulatory Affairs Committee, Oversight Inspection Subcommittee and supercede all previous versions. It is expected that some changes will be made in the future based on comments received from field staff. For that reason this manual is designated as a **Working Document**. Please forward any comments or suggested changes to Mr. Jim Walsh, Program Specialist, at (805) 654-4894, by fax at (805) 654-4890, or by e-mail at <jwalsh@cdpr.ca.gov>.

Background

The four-year Worker Protection Standard (WPS) compliance assessment project (1997- 2001) provided valuable information about industry compliance with pesticide laws and regulations. As a continuation of this assessment, Department of Pesticide Regulation (DPR) management requested that the Compliance Workgroup (CWG) develop a plan to remeasure industry compliance levels using the oversight inspection program.

On January 28, 2002, DPR issued enforcement letter ENF 02-05. The last paragraph of that letter stated, "Lastly, it is important for us to show that improvements have been made in our programs." Therefore, DPR managers requested the CWG to develop the best means for performing follow-up assessments in those specific counties that were identified as needing improvement in the WPS compliance assessment. It is preferable not to have the compliance assessment teams come back to reevaluate individual counties but rather measure improvements through the normal course of our seniors overview inspections. On June 3, 2002, DPR issued enforcement letter ENF 02-21 that outlined this compliance "remeasurement" program. The CWG initially established the remeasurement program. However, CWG was reassigned to address a broader scope of issues pertaining to county regulatory programs and have been renamed the County Regulatory Oversight Workgroup (CROW).

For many years DPR has performed oversight inspections (formerly called overviews) in conjunction with the county agricultural commissioner's (CAC's) staff as part of our cooperative agreement with the U.S. Environmental Protection Agency. For the last several years the inspection goal for agricultural use oversight inspections has been between 210 and 220 per year. The schedule for Fiscal Year 2002/03 utilizes 200 of these oversight inspections to remeasure industry compliance in four counties.

Purpose

This schedule is designed to remeasure industry compliance with the WPS in four California counties. In subsequent years, industry compliance will be remeasured in additional counties. The data collected with the oversight inspections performed will be analyzed and compared to

the results of the original compliance assessment results for each county. This will provide DPR and the respective counties with information on the effectiveness of remedial program changes made in response to their compliance assessments.

Oversight inspections are being used to remeasure compliance for the following reasons:

- 1) Using the existing oversight inspection program allows DPR to remeasure compliance levels with minimal impact to regional workload. The previous compliance assessment protocol took a significant amount of time away from regional CROW member's normal duties.
- 2) Using the oversight inspection program allows the CACs to correct violations observed and to take appropriate enforcement action.
- 3) Provide information for our County Pesticide Compliance and Assessment database from the standard inspection forms.
- 4) Collect data on industry compliance as well as provide performance measurement information that the CACs can use in developing negotiated work plans and setting local program priorities.
- 5) Not be a statewide survey. However, we will use the data collected from inspection forms and oversight inspections as a means to set baseline compliance levels for continuous program evaluation.

Project Specific Inspection Requirements

- 1) Only oversight inspections of production agriculture operations covered by the Worker Protection Standard may be submitted for this project. The following types of inspections will be used in this project for data collection:
 - PR-ENF-021 – Pesticide Use Monitoring Inspection
 - PR-ENF-144 – Fumigation Use Monitoring Inspection
 - PR-ENF-044 – Field Worker Safety Inspection
 - PR-ENF-022 – PCB and Grower Employee Safety Inspections
- 2) In order to standardize the data collected when completing the Field Worker Safety Inspection, you will need to determine grower compliance with the application specific information display requirement (Title 3 California Code of Regulations section 6761.1). You will need to make this determination for both grower and FLC operations. When inspecting a grower operation, document compliance with the application specific information display requirement on the blank line at the bottom of the Requirements section. When inspecting an FLC, document compliance with the application specific information display requirement in the "Remarks" section. Violations of this requirement are the responsibility of the grower. When a non-compliance with this requirement is found during an inspection of an FLC, it should be documented separately (i.e., using a Violation Notice or Headquarter and Employee Safety Inspection).
- 3) Oversight inspections must be performed according to the Oversight Inspection Procedures Manual and the Inspection Procedures Manual.

Schedule

During the fiscal year 2002/03, DPR will re-measure compliance in the following counties: Sutter, San Joaquin, Merced and Tulare. Two hundred oversight inspections will be conducted during the fiscal year 2002/03. The goal is fifty oversight inspections in each county. It should

be noted that the liaison seniors of Sutter, San Joaquin, Merced, and Tulare counties will have the additional workload of performing the follow-up activities on all of the oversight inspections in their county. Regional Senior Pesticide Use Specialists (specialist) should review the attached compliance activity summary prior to scheduling their oversight inspections. Compliance data collected from the oversight inspections will be compared with the compliance results from the original compliance assessments. Your oversight inspections will be performed throughout the fiscal year. However, in order to provide comparable data, schedule and perform your oversight inspections using the following goals **to the extent practical**:

- Perform as many oversight inspections during the same season(s) as the original compliance assessment was conducted as practical.
- Target oversight inspections to observe activities in similar crops and pesticides as observed in the original compliance assessment.
- Try to inspect the same ratio of pest control businesses to growers and growers to farm labor contractors as observed during the original compliance assessment.
- For field worker inspections, try to target similar field worker activities as observed in the original assessment.
- Perform oversight inspections with all county inspectors.
- Perform oversight inspections in all areas or districts within the county.

(See Appendix 9, County Compliance Activity Summary)

Initial CAC Meeting

It is recommended that the regional office arrange a meeting with the CAC and the pesticide program Deputy CAC of each of the four counties listed above before starting the oversight inspection program. The regional supervisor, liaison senior, regional CWG member and, if requested, the CWG coordinator should meet with the CAC to explain the program. Describe the basic procedures, the imminent hazard procedures, WPS Tier 1 procedures and the follow-up procedures and solicit comments and suggestions from the CAC on implementing the program. DPR staff should use the attached initial meeting agenda and provide the CAC with the Oversight Inspection Procedures Manual and the Project Schedule at least one week prior to the meeting.

Documentation

Document your oversight inspections according to the procedures outlined in the Oversight Inspection Procedures Manual. Provide a copy of the oversight inspection package to the liaison senior for the county. If the CAC wants a copy of the oversight inspection package, the liaison senior will provide it after it has been completed and reviewed by the regional supervisor.

Follow-Up Requirements

Follow-up procedures are the same as outlined in the Oversight Inspection Procedures Manual. The liaison seniors for the county will be responsible for all follow-up activities and documentation.

COUNTY COMPLIANCE ACTIVITY SUMMARY

County	Date(s) Assessment Conducted	Crops	Pesticides	No. Handler Observ. Conducted	No. Field Worker Observ. Conducted	Grower/ PCB Ratio	Grower/ FLC Ratio	Field Worker Activities
Sutter	5/11/98 6/1-5/98 6/8-11/98	Apples, tomatoes, corn, walnuts, rice, peaches, almonds, prunes, cotton, squash,	Agri-Mycin, Dithane, Champ, Banvel, Weedar 64, Goal 2XL, Manex, Nucop, Bolero 10G, Ordram 15-GM, Copper Count, Sulfur, Asana XL, Orchard Master, Wetttable Sulfur, Poast, Pistil, Roundup Ultra, Triap 4HF, Diazinon, Ambush,	41	12	6/35	11/1	Thinning peaches, prunes and tomatoes; hoeing base of walnut trees
San Joaquin	07/11-15/99 0721-23/99	Apples, apricots, cherries, dry beans, grapes, lima beans, peppers, sugar beets, tomatoes and walnuts	Dipel, Dual, Dusting Sulfur, goal Lorsban, Omite, Pennacp-M, Poast, Quest, Rally, Roundup, Sonalan, Sulforix, Treflan, and Weedar	31	15	30/1	6/9	Thinning sugar beets, apples; hoeing weeds in peppers; harvesting cherries and apricots; planting tomatoes; and caning and pulling leaves in vineyards
Merced	04/05-07/99 04/26-28/99 05/10-14/99	Grapes, nectarines, almonds, tomatoes, walnuts, cotton, alfalfa, grapes, sweet potatoes	Champ, Thiolux, Roundup, Surflan, Sulfur, Captan, Elite, Ziram, Ridomil, Imidan, Trilon 10G, Trifuralin 10G, Temik, Phostoxin, Sectagon, Treflan	25	6	15/10	6/2	Transplanting tomatoes, suckering grapes, picking strawberries
Tulare	04/6-10/98 04/20-25/98	Grapes, strawberries, plums, walnuts, pistachios, cotton, peaches, nectarines	Wetttable Sulfur, Copper Hydroxide, Dipel, Rovral 4, Pennacp-M, Ziram, Benlate SP, Bacstop, Rally 40W, Abound, Dithane DF, Gramoxone Extra, Diuron, Temik 15G, Prowl 3.3, Trifluralin, Roundup, Carzol, Captan, Break, Checkmate Dual, NoMate	44	7	31/13	3/4	Thinning nectarines, peaches and plums; thinning table grape shoots